

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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DEC 19 2003

In the Matter of)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Commnet of Arizona, LLC)

Commnet of Delaware, LLC)

Elbert County Wireless, LLC)

Chama Wireless, LLC)

Excomm, LLC)

CC Docket No. 94-102

Commnet PCS, Inc)

MoCelCo, LLC)

Tennessee Cellular Telephone Company)

Commnet Wireless, LLC)

Commnet Four Corners, LLC)

Commnet of Florida, LLC)

Prairie Wireless, LLC)

For Waiver of Deadlines for Implementation
of Phase II E911)

And for Partial Waiver of Section 20 18(d) to)

Demarcate Cost Allocation at the Wireless)

Carrier Mobile Switching Center)

To: The Commission

**SUPPLEMENT TO
PETITION FOR WAIVER OF DEADLINES FOR IMPLEMENTATION
OF PHASE II E911 AND FOR WAIVER OF *KING COUNTY*
DEMARCATATION POINT RULING**

**COMMNET OF ARIZONA, LLC, COMMNET OF
DELAWARE, LLC, ELBERT COUNTY WIRELESS,
LLC, CHAMA WIRELESS LLC, EXCOMM, LLC,
COMMNET PCS, INC., MOCELCO, LLC,
TENNESSEE CELLULAR TELEPHONE COMPANY,
COMMNET WIRELESS, LLC, COMMNET OF
FLORIDA, LLC and PRAIRIE WIRELESS, LLC**

December 19, 2003

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SUMMARY

Petitioner-Small Carriers hereby supplement their September 9, 2002 “Petition for Limited and Temporary Waiver of Deadlines for Implementation of Phase II E911 on the Same Basis as Other Tier III Wireless Carriers, and For Waiver of *King County* Demarcation Point Ruling” (“Petition”), as amended and supplemented on August 15, 2003 (“Amendment”), by providing information regarding further changes in the identities of Petitioner-Small Carriers, and additional information and materials supporting the relief requested in the Amendment. This additional information demonstrates that Petitioner-Small do not have the means to self-fund implementation of Phase I or Phase II E911. The additional information also demonstrates that each of the Petitioner-Small Carriers has taken significant steps toward implementation of Phase I E911, and each of the Petitioner-Small Carriers that has received a Phase I request is working closely with the local PSAP to expeditiously implement Phase I E911. Finally, this additional information demonstrates that the Petitioner-Small Carriers’ systems are not susceptible to implementation of a Phase II network-based solution, which are all based on triangulation techniques. There is no network equipment that would provide Phase II E911 meeting the accuracy levels required under §20.18 of the Commission’s rules.

TABLE OF CONTENTS

	<u>Page</u>
Summary	i
I Changes in Identity of Petitioner-Small Carriers	2
II. Recap of Petitioner-Small Carriers' Circumstances and Requested Relief	3
III. Additional Support for Relief Sought	5
A. Applicable to all Petitioner-Small Carriers	5
B. Commnet of Arizona, LLC	5
C. Excomm, LLC	6
D. MoCelCo, LLC	8
E. Commnet of Florida, LLC	10
F. Elbert County Wireless, LLC	12
G. Commnet of Delaware, LLC	12
H. Chama Wireless, LLC	13
I. Tennessee Cellular Telephone Company	14
J. Commnet PCS, LLC, Prairie Wireless, LLC, Commnet Wireless, LLC and Commnet Four Corners, LLC	15
IV Conclusion	16

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To: The Commission

**SUPPLEMENT TO
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OF PHASE II E911 AND FOR WAIVER OF *KING COUNTY*
DEMARCATIION POINT RULING**

Commnet of Arizona, LLC (“CAZ”), Commnet of Delaware, LLC (“CDL”), Elbert County Wireless, LLC (“Elbert”), Chama Wireless, LLC (“Chama”), Excomm, LLC (“Excomm”), Commnet PCS, Inc. (“CPI”), MoCelCo, LLC (“MCC”), Tennessee Cellular Telephone Company (“TCTC”), Commnet Wireless, LLC (“CWLLC”), Commnet Four Corners, LLC (“CFC”), Prairie Wireless, LLC (“Prairie”) and Commnet of Florida, LLC (“Florida”)

(collectively, the “Petitioner-Small-Carriers”¹), by their attorneys and pursuant to the *Order to Stay*, FCC 03-241, released October 10, 2003, hereby supplement their September 9, 2002 “Petition for Limited and Temporary Waiver of Deadlines for Implementation of Phase II E911 on the Same Basis as Other Tier III Wireless Carriers, and For Waiver of *King County* Demarcation Point Ruling” (“Petition”), as amended and supplemented on August 15, 2003 (“Amendment”)². The Amendment modified the nature of the relief requested, in light of new developments since the original filing of the Petition. This Supplement provides information regarding further changes in the identities of Petitioner-Small Carriers, and additional information and materials supporting the requested relief specified in the Amendment.³

I. CHANGES IN IDENTITY OF PETITIONER-SMALL CARRIERS

The following changes are being made to the identity of Petitioner-Small Carriers: (a) the Commission consented to the assignment of Commnet Wireless, Inc.’s cellular system to CAZ, *see* FCC File No. 0001380870, the assignment was consummated in early September 2003, and Commnet Wireless, Inc., is no longer a petitioner in this proceeding; (b) Commnet Capital, LLC, changed its name to Comment Wireless, LLC; and (c) CWLLC assigned a portion

¹ Each of the Petitioner-Small-Carriers is a “Tier III” wireless carrier, as defined in the Commission’s decision in *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, 17 FCC Rcd. 14841 (2002) (“*Small Carrier E911 Extension*”). Each serves only rural areas – to the limited extent that any areas within MSAs are served, it is as an “unserved area” licensee. Thus, even these are rural in nature.

² *See* August 15, 2003 “Amendment and Supplement to Petition for Waiver of Deadlines for Implementation of Phase II E911 and For Waiver of *King County* Demarcation Point Ruling”.

³ All facts set forth herein are supported by the Declaration of John Champagne, the new E911 Compliance Officer for each of the Petitioner-Small-Carriers, attached hereto as Exhibit A.

of its licenses to its wholly-owned subsidiary, Commnet Four Corners, LLC, which is being added as a petitioner.

II. RECAP OF PETITIONER-SMALL CARRIERS CIRCUMSTANCES AND REQUESTED RELIEF

As previously discussed in detail in the Petition and the Amendment, each of the Petitioner-Small-Carriers is a very small carrier operating in either rural service areas or so-called “unserved” areas that went unconstructed by the initial licensee of the area during the original five-year build-out period due to lack of perceived demand. Each of the Petitioner-Small Carriers utilizes a mobile switching facility (“MSC”) located outside its market and in some cases share the same MSC.⁴ Additionally, each of the Petitioner-Small Carriers has elected to adopt a “carriers’ carrier” business model. Therefore, none of the Petitioner-Small Carriers currently has any subscribers of its own and will have none in the future, and thus no handsets are or will be activated.

All Petitioner-Small Carriers operate using one or more of the following technologies: analog, TDMA or GSM. There is currently no Phase II-compliant handset-based solution available for any of these technologies, and it appears that no vendor will be supporting a Phase II-compliant handset-based solution any time in the near future. Moreover, there is not and probably will not be any network equipment developed that would provide E911 Phase II meeting the requisite accuracy levels, in the remote, rural areas served by Petitioner-Small Carriers. The only equipment developed for Phase II network-based solutions is based upon triangulation techniques, which can work only when the network is receiving location

⁴ Specifically, each of CAZ, CDL, Elbert, Chama, Excomm, MCC, TCTC, CWLLC and CFC shares a single MSC located in Yuma, Arizona. CPI and Prairie were sharing one MSC located in Sioux Falls, South Dakota. CWLLC has not yet commenced operating. Florida has its own exclusive MSC, but it is located in the Miami, Florida MSA, as there are more calls terminated there than within the RSA served by Florida.

information on the involved mobile unit from three different cell sites, or angle of arrival (“AOA”) techniques, which can only work when the network is receiving location information from at least two different cell sites. CAZ, Elbert, Florida and MCC are the only Petitioner-Small Carriers that have any portion whatsoever of their respective service areas covered by three cells; most of the rest of the Petitioner-Small Carriers have no coverage area with even two cells overlapping.⁵ Even as to CAZ, Elbert, Florida and MCC, only a small portion of each carrier’s service area is potentially susceptible to triangulation or AOA techniques; the bulk of their respective service areas are not susceptible to triangulation or AOA. Thus, none of these carriers could ever meet the accuracy levels set forth in Section 20.18 on a system-wide basis 95% of the time.

Accordingly, Petitioner-Small Carriers need a long-term waiver, because there is not going to be any feasible way for any of them to meet Phase II E911 for incoming roamer traffic, either now or in the foreseeable future.⁶ Alternatively, Petitioner-Small Carriers request that, as they do not and will not have any subscribers, they be declared in compliance with all E911 obligations, which are drafted to apply to a carrier’s local subscribers and essentially do not apply in the context of “carriers’ carrier” systems.

⁵ For purposes of this discussion, “overlap” is judged using expanded contours commensurate with the capabilities of Andrew triangulation/AOA infrastructure equipment, not the smaller contours by which reliable voice service is calculated. Petitioner-Small Carriers understand that the non-voice signals utilized by network location equipment can reach further than voice signals while remaining useable. Even so, there is no overlap in the vast bulk of the service areas.

⁶ If the Commission were disinclined to grant a permanent waiver, the Petitioner-Small Carriers request at least a five-year waiver, with the thought that the matter could be revisited at that time if there were still no viable technical solution for these remote, rural areas.

III. ADDITIONAL SUPPORT FOR RELIEF SOUGHT

A. APPLICABLE TO ALL PETITIONER-SMALL CARRIERS.

The Petitioner-Small Carriers have jointly retained the services of Intrado, Inc., as a consultant to assist them in contacting and working with the various PSAPs in their respective markets.⁷ Intrado is one of the most respected names in the E911 industry. Most of its personnel have over twenty years of experience working for PSAPs or in the PSAP field. With the assistance of Intrado, the Petitioner-Small Carriers have taken steps to introduce themselves to and open a dialogue with local PSAPs, in an effort to begin addressing the PSAPs' E911 needs. Notably, where a Petitioner-Small Carrier has received a Phase I request from a PSAP, such Petitioner-Small Carrier and Intrado have been in continuous communications with such PSAP, in an effort to implement Phase I E911 as expeditiously as possible.

B. COMMNET OF ARIZONA, LLC

CAZ received a Phase I E911 request from the PSAP for Pima County, AZ. CAZ has not received any other Phase I requests from any other PSAPs in its market. Neither Pima County nor any other PSAP has requested Phase II from CAZ. CAZ and Intrado are currently working with the Pima County PSAP and the Arizona State 9-1-1 Project Manager to implement Phase I E911 in Pima County. CAZ's contact at the Pima County PSAP is Anita Velasco, System Administrator, who can be contacted at telephone number (520) 791-4803, or Building 1, 3003 S. Park Avenue, Tucson, AZ 85714. The 9-1-1 Project Manager for the State of Arizona is Penelope Meyers, who can be contacted at the Arizona 9-1-1 Office, telephone number (602) 771-0911. CAZ and Intrado have been in continual contact, via e-mail and telephone, with Ms. Velasco and Ms. Meyers, in an effort to complete the implementation of Phase I E911.

⁷ Petitioners-Small Carriers also have signed a Letter of Agency, which authorizes Intrado to represent them before the PSAPs.

CAZ has installed all of the network equipment and software required to implement Phase I E911 in the county, and is currently working with Qwest, the local exchange carrier ("LEC"), to obtain a landline connecting the PSAP to the switch in Yuma, AZ. CAZ is also working closely with Ms. Velasco and Ms. Meyers to get all of the proper forms filed with the appropriate state and local government agencies and to execute a contract with the Pima County PSAP. Pima County has a cost recovery program. CAZ has prepared and submitted a statement of implementation fees and recurring costs to the Pima County government, which have been approved for cost recovery. Thus, CAZ is expecting to receive some cost recovery.

Phase II E911 is not technically feasible in either Pima County or in CAZ's market as a whole. There is currently no Phase II-compliant handset-based solution. As previously discussed herein, the only Phase II-compliant network-based solutions available are based on either triangulation techniques or AOA techniques. The portions of Pima County being served by CAZ's cellular system, as is the case with the rest of CAZ's market, are remote, rural areas and the cell sites are spread far apart. There is little overlap between two cells and even less overlap among three cells. No portion of Pima County and only a minor portion of the remainder of CAZ's service area are susceptible to triangulation techniques. A small portion of Pima County and the service area over all may be susceptible to AOA techniques, but even if implemented, CAZ would never reach a 95% accuracy level on a system-wide basis, as prescribed by §20.18 of the Commission's rules.

C. EXCOMM, LLC

Excomm received a Phase I E911 request from the PSAP in Fremont County, WY. Excomm has not received any other Phase I or any Phase II requests from any other PSAPs in this or any of its other markets. Excomm and Intrado are currently working with the Fremont

County PSAP to prepare for implementation of Phase I E911 in Fremont County. Excomm's contact in Fremont County is Joni Miller, PSAP Coordinator, who can be contacted at telephone number (307) 332-1132, or Fremont County Government, 450 North 2nd Street, Room 340, Lander, WY 82520. The Fremont County PSAP request is premature, as, by its own admission, the PSAP will not be ready to receive Phase I E911 until mid-January, 2004 at the earliest.⁸ Regardless, Excomm and Intrado have been in continual contact, via e-mail and telephone, with Ms. Miller, in an effort to prepare for the timely implementation of Phase I E911 in the county.

Excomm has installed all of the network equipment and software required to implement Phase I E911 in the county. Excomm has also been working closely with Ms. Miller to conduct tests of its Phase I solution in the county, to ensure that Excomm's Phase I solution will operate correctly when implemented, and the tests were all positive. While Fremont County has a cost recovery program, it is based on subscriber fees. Because Excomm has no subscribers, Excomm will not be able to obtain cost recovery for implementation of Phase I E911 from Fremont County.

Phase II E911 is not technically feasible in either Fremont County or in any of Excomm's other markets. There is currently no Phase II-compliant handset-based solution. The only Phase II-compliant network-based solutions available are based on either triangulation techniques or AOA techniques. With regard to Fremont County, the portions of the county being served by Excomm's system, are remote, rural areas and the two stand-alone cell sites in the county are spread far apart. There is no overlap between the two cells, which are approximately 100 miles

⁸ The Fremont County PSAP Coordinator initially told Excomm, in its written Phase I request, that the PSAP would be ready for Phase I E911 in mid-December 2003, but recently advised Excomm that its readiness date was being pushed back to mid-January 2004.

apart, and Excomm has no other cells within 50 miles in any adjacent county. Thus, no portion of Fremont County is susceptible to either triangulation techniques or AOA techniques.

Likewise, respecting Excomm's other cellular markets, each system serves only remote, rural areas. Virtually all are stand-alone single-cell systems.⁹ Therefore, triangulation techniques are not possible in any of Excomm's other markets. Thus, under the laws of physics, Excomm would never reach a 95% accuracy level on a system-wide basis in any of these markets.

D. MOCELCO, LLC

MoCelCo received a Phase I and Phase II E911 request simultaneously from a PSAP in Monroe County, Missouri. MoCelCo has not received any other Phase I or Phase II requests. MoCelCo and Intrado are currently working with the Monroe County PSAP to implement Phase I E911 in the county. MoCelCo's contact in Monroe County is Shelley Havens, PSAP Coordinator, who can be contacted at telephone number (660) 327-5186, or Monroe County Government, 300 North Main, Paris, MO 65275. MoCelCo and Intrado have been in continual contact, via e-mail and telephone, with Ms. Havens, in an effort to complete the implementation of Phase I E911.

MoCelCo has installed all of the network equipment and software required to implement Phase I E911 in the county, and is currently working with CenturyTel, the LEC, to obtain a landline connecting the PSAP to the switch in Yuma, AZ. MoCelCo is experiencing some delay on the part of CenturyTel in executing an Interconnection Agreement, and has sought the

⁹ The only exceptions are: (1) the system in Montana licensed under call sign WPUH805 with two stand-alone cells; (2) the system in Wyoming licensed under call sign WPUD593 with three stand-alone cells; (3) the system in Colorado licensed under call sign WPUD549 with three contiguous cells; and (4) the system straddling the North Dakota and South Dakota border licensed under call sign WPUP317 with three contiguous cells.

assistance of the county PSAP coordinator in expediting this matter. MoCelCo is also working closely with Ms. Havens to execute a contract with the Monroe County PSAP so that Phase I implementation can move forward. Neither the State of Missouri nor Monroe County has a cost recovery program respecting the implementation of Phase I E911. Notably, MoCelCo has no subscribers and thus has no means of self-funding the Phase I implementation fees and recurring costs.

Phase II E911 is not technically feasible in either Monroe County or in MoCelCo's market as a whole. There is currently no Phase II-compliant handset-based solution. The only Phase II-compliant network-based solutions available are based on either triangulation techniques or AOA techniques. The portion of Monroe County being served by MoCelCo's cellular system, as is the case with the rest of MoCelCo's market, is a remote, rural area. There is only one cell in Monroe County that overlaps a little with two different cells in adjacent counties on either side of Monroe County, but there is no overlap among three cells within Monroe County. Thus, no portion of Monroe County is susceptible to triangulation techniques, and only a minor portion of Monroe County is susceptible to AOA techniques; the bulk of Monroe County is not susceptible to any triangulation or AOA techniques.

Similarly, in the rest of MoCelCo's market there is little overlap between two cells or among three cells. Only a minor portion of the remainder of MoCelCo's market is susceptible to triangulation techniques. Therefore, even if Phase II E911 were implemented, MoCelCo would never reach a 95% accuracy level on a system-wide basis, as prescribed by §20.18 of the Commission's rules.

E. COMMNET OF FLORIDA, LLC

Florida received a Phase I E911 request from the PSAP in Monroe County, Florida. Florida has not received any other Phase I or Phase II requests. Florida and Intrado are currently working with the Monroe County PSAP and the Florida Wireless Board to implement Phase I E911 in the county. Florida's contact in Monroe County is Maggie Cordova, who can be contacted at telephone number (305) 743-7570, or Monroe County Emergency Communications, 10600 Aviation Blvd., Marathon, FL 33050. Florida's contact with the Florida Wireless Board is Penney Taylor, who can be reached at Penney.Taylor@myflorida.com. Florida and Intrado have been in continual contact, via e-mail and telephone, with Ms. Cordova and Ms. Taylor, in an effort to complete the implementation of Phase I E911.

Florida has installed all of the network equipment and software required to implement Phase I E911 in the county, and is currently working with BellSouth, the LEC, to obtain a landline connecting the PSAP to the switch in Miami, FL. Florida registered as a vendor in the state, per state requirements, and is on the agenda of the meeting of the Board of Monroe County Commissioners' scheduled for January 21, 2004. Florida will present its Phase I implementation proposal and cost model for approval at this meeting.¹⁰ It is unclear at this time whether Monroe County has a cost recovery program; Florida is currently attempting to obtain more information in this regard. Notably, Florida has no subscribers and thus has no means of self-funding the Phase I implementation fees and recurring costs.

Phase II E911 is not technically feasible in Florida's market, which is comprised solely of Monroe County, Florida. There is currently no Phase II-compliant handset-based solution. The only Phase II-compliant network-based solutions available are based on either triangulation

¹⁰ Florida was unable to get on the agenda for the Boards' December 2003 meeting.

techniques or AOA techniques. The only portion of Florida's market not located in the Everglades and thus off limits to cell site construction, are the Florida Keys. The Florida Keys consists of a string of very tiny and narrow islands that are less densely populated. Because Florida's cells are located along a string of islands, cells are necessarily constructed in a classic string-of-pearls arrangement. Accuracy of any implemented triangulation or AOA techniques would be virtually non-existent. Rather than obtaining a single point, at best Florida would be able to determine where the mobile signal is somewhere along a line. Although the narrowness of the Keys would enable Florida and the PSAP to plot where that line crosses land, the caller location would be identifiable only if the mobile signal was coming from somewhere on land. Florida would not be able to determine where a mobile signal was coming from if it was coming from somewhere in the water. Therefore, Florida would never reach a 95% accuracy level on a system-wide basis.

Additionally, Florida faces the unique problem of high winds and hurricanes along the Keys, putting the islands in the category of 200 mph wind loadings. Florida had explored the possibility of using a Phase II compliant wireless location system manufactured by Andrew Corporation, but the Andrews system has wind ratings significantly below 200 mph. At this time Florida has not learned of any other manufacturer of Phase II compliant systems that has a 200 mph wind load kit, but is still exploring this issue. However, even if Florida does locate such a system, it faces the possibility that it will not be able to put the additional equipment at its current cell sites. Because of environmental restrictions, it is virtually impossible to build new radio communications sites on the islands, which means that all carriers must share the pre-existing radio communications sites. In many cases, these sites are not able to accommodate any more equipment. Thus, even if Florida were able to find a Phase II compliant system with a 200

mph wind load kit, it may not be able to deploy the necessary equipment at all of its cell sites, thereby diminishing even further Florida's ability to reach a 95% accuracy level on a system-wide basis.

F. ELBERT COUNTY WIRELESS, LLC

Elbert has not received any Phase I or Phase II E911 requests. Regardless, Elbert has installed all of the network equipment and software required to implement Phase I E911, in the event it does receive a Phase I request. In such event, Elbert would have to arrange with the local LEC for a landline between the PSAP and its MSC in Yuma, AZ. Notably, Elbert has no subscribers and thus has no means of self-funding any Phase I implementation fees and recurring costs.

Phase II E911 is not technically feasible in Elbert's market. There is currently no Phase II-compliant handset-based solution. The only Phase II-compliant network-based solutions available are based on either triangulation techniques or AOA techniques. With regard to Elbert's service area, the portions of the market being served by Elbert's system are less densely populated areas and the cell sites are spread far apart. There is little overlap between the two cells, and even less overlap among three cells. Thus, only a small portion of Elbert's service area is susceptible to either triangulation or AOA techniques; the bulk of the service area is not susceptible to such techniques. Therefore, even if Elbert were to implement Phase II E911, it would never be able to reach the required 95% accuracy level on a system-wide basis, as prescribed by §20.18 of the Commission's rules.

G. COMMNET OF DELAWARE, LLC

CDL has not received any Phase I or Phase II E911 requests. Regardless, CDL has installed all of the network equipment and software required to implement Phase I E911, in the

event it does receive a Phase I request. In such event, CDL would have to arrange with the local LEC for a landline between the PSAP and its MSC in Yuma, AZ. Notably, CDL has no subscribers and thus has no means of self-funding any Phase I implementation fees and recurring costs

Phase II E911 is not technically feasible in CDL's market. There is currently no Phase II-compliant handset-based solution. The only Phase II-compliant network-based solutions available are based on either triangulation techniques or AOA techniques. With regard to CDL's service area, the portions of the market being served by CDL's system are remote, rural areas and the cell sites are spread far apart. There is little overlap between the two cells, and even less overlap among three cells. Thus, only a small portion of CDL's service area is susceptible to either triangulation or AOA techniques; the bulk of the service area is not susceptible to such techniques. Therefore, even if CDL were to implement Phase II E911, it would never be able to reach the required 95% accuracy level on a system-wide basis, as prescribed by §20.18 of the Commission's rules.

H. CHAMA WIRELESS, LLC

Chama has not received any Phase I or Phase II E911 requests. Regardless, Chama has installed all of the network equipment and software required to implement Phase I E911, in the event it does receive a Phase I request. In such event, Chama would have to arrange with the local LEC for a landline between the PSAP and its MSC in Yuma, AZ. Notably, Chama has no subscribers and thus has no means of self-funding any Phase I implementation fees and recurring costs.

Phase II E911 is not technically feasible in any of Chama's markets. There is currently no Phase II-compliant handset-based solution. The only Phase II-compliant network-based

solutions available are based on either triangulation techniques or AOA techniques. With regard to Chama's service areas, the portions of these markets being served by Chama's systems are remote, rural areas and the cell sites are spread far apart. In one of Chama's Wyoming markets (call sign WPRS922), where there are three cells, there is only a tiny overlap between two of the cells, and no overlap among all three cells. Chama's other two markets contain stand-alone cells only and are therefore not susceptible to triangulation or AOA techniques. Only a small portion of Chama's Wyoming service area is susceptible to either triangulation or AOA techniques; the bulk of this service area is not susceptible to such techniques. Therefore, even if CDL were to implement Phase II E911 in this market, it would never be able to reach the required 95% accuracy level on a system-wide basis, as prescribed by §20.18 of the Commission's rules.

I. TENNESSEE CELLULAR TELEPHONE COMPANY

TCTC has not received any Phase I or Phase II E911 requests. Regardless, TCTC has installed all of the network equipment and software required to implement Phase I E911, in the event it does receive a Phase I request. In such event, TCTC would have to arrange with the local LEC for a landline between the PSAP and its MSC in Yuma, AZ. Notably, TCTC has no subscribers and thus has no means of self-funding any Phase I implementation fees and recurring costs.

Phase II E911 is not technically feasible in any of TCTC's market. There is currently no Phase II-compliant handset-based solution. The only Phase II-compliant network-based solutions available are based on either triangulation techniques or AOA techniques. With regard to TCTC's service area, the portion of the market being served by TCTC's system is remote, rural area. TCTC is operating virtually a single cell and, thus, TCTC's service area is susceptible to either triangulation or AOA techniques. Therefore, TCTC is not able to implement Phase II

E911, and even if it did it would never be able to reach the required 95% accuracy level on a system-wide basis, as prescribed by §20.18 of the Commission's rules.

J. COMMNET PCS, LLC, PRAIRIE WIRELESS, LLC, COMMNET WIRELESS, LLC, AND COMMENT FOUR CORNERS, LLC

Each of these Petitioner-Small Carriers is a PCS carrier. Both CPI and Prairie have temporarily ceased operations, but previously offered PMRS service only.¹¹ CWLLC has not yet commenced operations. CFC only began operating in September 2003, and is operating as a carriers' carrier and thus has no subscribers.¹² When CPI and Prairie resume service and CWLLC commences service, each one intends to operate as a carriers' carrier and will not have any subscribers. Neither CPI, Prairie nor CFC has received any Phase I or Phase II E911 requests. Regardless, they have installed all of the network equipment and software required to implement Phase I E911, in the event they do receive a Phase I request. In such event, each would have to arrange with the local LEC for a landline between the PSAP and their respective MSC. Notably, none of these four Petitioner-Small Carriers has or will have subscribers and, thus, they have no means of self-funding any Phase I implementation fees and recurring costs.

Each of CPI's, Prairie's, CWLLC's and CFC's respective service areas is located in remote, rural areas where population density is low. Therefore, the cell sites in each of their systems are located far apart and there is little overlap between two cells and no overlap among three cells. Only a small portion of each of their service areas are susceptible to either triangulation or AOA techniques; the bulk of their service areas are not susceptible to such techniques. Therefore, even if they were to implement Phase II E911, none of these Petitioner-

¹¹ Neither one's system was interconnected

¹² CFC received its spectrum as a partition of spectrum from AT&T Wireless ("AT&T"). AT&T deemed the area too remote to justify AT&T serving it at this time.

Small Carriers would ever be able to reach the required 95% accuracy level on a system-wide basis, as prescribed by §20.18 of the Commission's rules.

IV. CONCLUSION

In consideration of the foregoing, in conjunction with Petitioner-Small Carriers presentations in their Petition and Amendment, Petitioner-Small Carriers respectfully request that the Commission partially waive Section 20.18(d), as applied to Petitioner-Small Carriers, and grant Petitioner-Small Carriers the relief requested in their Amendment.

Respectfully submitted,

**COMMNET OF ARIZONA, LLC, COMMNET
OF DELAWARE, LLC, ELBERT COUNTY
WIRELESS, LLC, CHAMA WIRELESS LLC,
EXCOMM, LLC, COMMNET PCS, INC.,
MOCELCO, LLC, TENNESSEE CELLULAR
TELEPHONE COMPANY, COMMNET
WIRELESS, LLC, COMMNET OF FLORIDA,
LLC and PRAIRIE WIRELESS, LLC**

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December 19, 2003

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DECLARATION OF JOHN CHAMPAGNE

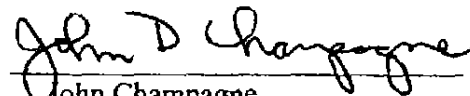
I, John Champagne, hereby state, under penalty of perjury, as follows:

I am the E911/CALEA Liaison Officer for each of Commnet of Arizona, LLC, Commnet of Delaware, LLC, Elbert County Wireless, LLC, Chama Wireless, LLC, Excomm, LLC, Commnet PCS, Inc., MoCelCo, LLC, Tennessee Cellular Telephone Company, Commnet Wireless, LLC, Commnet Four Corners, LLC, Prairie Wireless, LLC, and Commnet of Florida, LLC (collectively, "Petitioner-Small Carriers"). The Petitioner-Small Carriers are small carriers who employ me on a collective basis to be responsible for compliance with E911 and CALEA requirements

I have 14 years of experience in the cellular/PCS infrastructure industry. I hold a Bachelor of Science in Electrical Engineering ("BSEE") from the University of Louisiana at Lafayette, and a Masters of Business Administration ("MBA") from the University of Dallas. I am qualified to testify as to the technical aspects of E911 implementation.

I have reviewed the Petitioner-Small Carriers' foregoing "Supplement to Petition For Wavier of Deadlines For Implementation of Phase II E911 and For Waiver of *King County* Demarcation Point Ruling" (the "Supplement"). All facts set forth in the Supplement are true and correct, to the best of my knowledge, information and belief.

Executed this 19th day of December, 2003.


John Champagne

CERTIFICATE OF SERVICE

I, Steve Denison, a paralegal at the law firm of Brown Nietert & Kaufman, Chartered, hereby certify that I have caused a copy of the foregoing "Supplement to Petition for Waiver of Deadlines for Implementation of Phase II E911 and For Waiver of *King County* Demarcation Point Ruling" to be sent by hand delivery this 19th day of December, 2003, to each of the following

John Muleta, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W , Room 3-C252
Washington, D C. 20554

Joel Taubenblatt, Deputy Chief
Policy Division
Wireless Telecommunications Bureau
445 12th Street, S.W , Room 3-C124
Washington, D C 20554



Steve Denison